

Sept. 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 722, 722a, 723, 726, 727 of this title; title 46 App. section 1285; title 49 section 44305.

### § 722. Fund for losses; appropriations

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000 to be used, under the direction of the Secretary of the Treasury, for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipment effected pursuant to the regulations prescribed under section 721 of this title. There is hereby further authorized to be appropriated annually, beginning with the fiscal year 1939 and ending with the fiscal year 1948, inclusive, the sum of \$200,000 for the said purposes, and from time to time such additional sums as may be necessary for the said purposes. There shall be in the Treasury of the United States a revolving fund, to be known as “the fund for the payment of Government losses in shipment” (hereinafter referred to as “the fund”), to be constituted of the said sum of \$500,000 and the sums appropriated on and after July 8, 1937 for the said purposes, together with all recoveries and repayments credited to the fund as provided in section 723 of this title. There is hereby further authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000, for expenditures under the direction of the Secretary of the Treasury, to be used for the payment of administrative expenses, including personal services, necessary to carry out the provisions of this chapter for the fiscal year 1938.

(July 8, 1937, ch. 444, § 2, 50 Stat. 479.)

#### CODIFICATION

“Appropriated on and after July 8, 1937” substituted in text for “hereafter appropriated”.

Section was formerly classified to section 134a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 3126; title 46 App. section 1285; title 49 section 44305.

### § 722a. Payment of Government losses in shipment

Beginning in fiscal year 1995 and thereafter, there are appropriated such sums as may be necessary to make payments for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipments effected pursuant to section 721 of this title.

(Pub. L. 103-329, title I, Sept. 30, 1994, 108 Stat. 2387.)

#### CODIFICATION

Section enacted as part of the Treasury, Postal Service and General Government Appropriations Act, 1995, and not as part of the Government Losses in Shipment Act which comprises this chapter.

### § 723. Claim for replacement

In the event of loss or destruction of, or damage to, valuables of which shipment shall have been made pursuant to the regulations prescribed under section 721 of this title a claim in writing for replacement shall be made upon the Secretary of the Treasury who, if he shall be satisfied that such loss, destruction, or damage has occurred and that shipment was made substantially in accordance with such regulations, shall cause replacement to be made out of the fund through such officers as he may designate. Notwithstanding any provision of law to the contrary, the decision of the Secretary of the Treasury that such loss, destruction, or damage has occurred or that such shipment was made substantially in accordance with such regulations shall be final and conclusive and shall not be subject to review by any other officer of the United States: *Provided, however*, That where the Secretary of the Treasury determines that such replacement can be effected, in whole or in part, without actual or ultimate injury to the United States, by a credit in the accounts of the executive department, independent establishment, agency, officer, employee, or other accountable person making the claim, he shall not resort to the fund, except to the extent that such replacement cannot be so effected by such credit, but shall certify such determination to the Comptroller General and, upon receipt of such certification, the Comptroller General is authorized and directed to make such credit in the settlement of accounts in the General Accounting Office: *Provided further*, That the fund shall be available for the replacement of any loss or destruction of, or damage to, valuables shipped by or on behalf of the Bureau of the Public Debt of the Treasury Department prior to the effective date of this amendment, the replacement of which was chargeable against the securities trust fund established under authority of section 3129 of title 31; and the Secretary of the Treasury is hereby authorized and directed to transfer on the books of the Treasury Department the amount standing to the credit of the securities trust fund and credit the same to the fund. *And provided further*, That the fund shall not be available with respect to any loss, destruction, or damage affecting valuables, insofar as such loss, destruction, or damage relates to property of the United States Postal Service chargeable to its officers or employees; nor shall it be available with respect to any loss, destruction, or damage affecting valuables of which shipment shall have been made at the risk of persons other than the United States, its executive departments, independent establishments, agencies, wholly owned corporations, officers, and employees. All recoveries and repayments on account of loss, destruction, or damage to valuables of which replacement shall have been made out of the fund shall be credited to it and shall be available for the purposes thereof.

(July 8, 1937, ch. 444, § 3, 50 Stat. 479; Aug. 10, 1939, ch. 665, § 1, 53 Stat. 1358; 1940 Reorg. Plan No. III, § 1, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231; Pub. L. 91-375, § 6(m)(4), Aug. 12, 1970, 84 Stat. 782.)